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| TRANSMITTAL FORM (to be used for all correspondence after initial filing) | Application Number | 10/620,882 | |
| | Filing Date | July 16, 2003 | |
| | First Named Inventor | Ozment | |
| | Art Unit | 3752 | |
| | Examiner Name | Not yet assigned | |
| Total Number of Pages in This Submission | 27 | Attorney Docket Number | US001/000US-U |

| ENCLOSURES (Check all that apply) | | |
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| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | |
| Firm or Individual name | John E. Vanderburgh | |
| Signature | | |
| Date | March 16, 2004 | |

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IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In re application of)
Alden Ozment)
Application No.: 10/620,882)
Filed: July 16, 2003)
For: METHOD AND APPARATUS FOR)
FIGHTING FIRES IN CONFINED AREAS)

SUPPLEMENTAL DISCLOSURE STATEMENT

Commissioner for Patents
P O Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The attached materials are submitted as a supplement to the applicant's Information Disclosure Statement dated December 2, 2003. The submitted materials consist of a thermal event report and two pages containing instructions for the use of nitrogen foam. These materials report the first use of the method and apparatus of the above referenced application for use in extinguishing a fire in a confined area, in this case sealed areas of a coal mine and the use is deemed to be experimental.

The experimental use exception to the prior use bar of section 102 applies to tests of the invention in the environment in which the invention is to be used. See *Kolms v. World Fibers Corp.* 41 USPQ 2d 1587 (CAFC 1997). *Gould v. United States*, 579 F. 2d 571, 198 USPQ 156, 167 (Ct. Cl. 1978) [experimental use includes "tests needed to convince (the inventor) that the invention is capable of performing its intended purpose in its intended environment"]

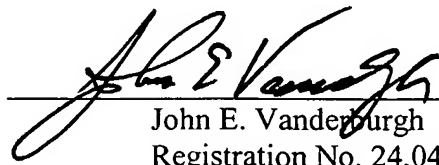
The Skyline mine fire was the first use of the method and apparatus of the instant application and up to that point there was no way of determining that the invention would be effective for the purpose of extinguishing the fire in a confined area, such as a coal mine. It should be pointed out that the underlined sentence on the second page, fourth paragraph, refers to a thermal event in which a Weatherford nitrogen generator of the type used to generate nitrogen for the foam used in the Skyline fire was used to generate nitrogen gas that was pumped directly to the area involved in the thermal event at the West Elk Coal Company and does not refer to the use of nitrogen expanded foam to extinguish the fire.

The use of the method and apparatus of the present invention in the Skyline Mine fire was the only way to determine whether or not present invention was effective for the purpose of extinguishing fires in confined areas and as such constitutes experimental use. The environment in which the invention is designed to be used is not readily duplicated in a laboratory or other testing facility and the only true way of determining the effectiveness of the invention is to test it under actual conditions.

This information is being submitted prior to the receipt of the first office action in this application.

Date: March 15, 2004

Respectfully Submitted,
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